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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,567	05/11/2001	Junichiro Sakata	284987US6	6317

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,567

Applicant(s)

SAKATA, JUNICHIRO

Examiner

Daniel R. Sellers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31,33-35,37-39,41,43,44,46-48,50-52,54,56,57,59,61,62 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31,33-35,37-39,41,43,44,46-48,50-52,54,56,57,59,61,62, and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 31, 33-35, 37-39, 41, 43, 44, 46-48, 50-52, 54, 56, 57, 59, 61, 62, and 64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky in view of Venkatesh et al., USPN 5,974,503 (hereinafter Venkatesh).

3. Regarding **claim 31**, Katinsky teaches display means for displaying first and second playlists that are arranged in a continuous order (Col. 5, lines 35-54), and Katinsky teaches the switching means (Col. 5, lines 40-41). Katinsky does not teach a display that shows contents being placed at the end of its respective playlist when its playback is terminated. Venkatesh teaches the use of playlists to access large stores of media data, wherein the playlists are played in a continuous manner (Col. 40, lines 46-62). The playlist continues playback at the beginning after the last content is done playing (Col. 40, lines 58-62), therefore inherently a skipped track, which has had its playback terminated, will be placed at the bottom of the playlist, or the last track to be sequentially played until the current selection is repeated. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Katinsky and Venkatesh for the purpose of uninterrupted playback.

4. Regarding **claim 33**, Katinsky teaches the display of a name in a playlist (Fig. 4, item 44).
5. Regarding **claim 34**, Katinsky teaches media that is audio (Col. 3, lines 50-52).
6. Regarding **claim 35**, Katinsky teaches an indicator for indicating a currently playing piece of content, wherein the display also shows an arranged sequence for playback (Col. 5, lines 12-27). Katinsky teaches displaying these items in a predetermined area (Figs. 1 and 4, unit 14). Katinsky also teach switching means, see the preceding argument with respect to claim 31, and the combination teaches a display with these features.
7. Regarding **claim 37**, see the preceding argument with respect to claim 33.
8. Regarding **claim 38**, see the preceding argument with respect to claim 31. The combination teaches a playback apparatus with multiple playlists. It is inherent in the teachings of the combination that the beginning of a first song in a subsequent playlist follows the termination of the last song in a first playlist (Katinsky, Col. 5, lines 49-52).
9. Regarding **claim 39**, the further limitation of claim 38, see Katinsky, they have means for displaying a first and second playlist wherein they are arranged in a playback order. They teach the playback and stopping elements (Fig. 7, items 100 and 102), and they teach a plurality of display means for displaying any one of the other playlists (Fig. 6C, item 72).
10. Regarding **claim 41**, the further limitation of claim 38, see the preceding argument with respect to claims 38 and 35. Katinsky teaches display forming means (Fig. 1, unit 16), continuous display means (Fig. 1, unit 14 and Fig 6B), and

distinguishing playback means with these features (Col. 5, lines 12-14, Col. 13, lines 55-63, and Fig. 15, steps 1540 and 1544).

11. Regarding **claim 43**, the further limitation of claim 38, see Katinsky

... wherein the content is audio data and the playback results of the continuous contents are mixed and output. (Col. 5, lines 49-52 and lines 17-27)

Katinsky does teaches that multiple playlists can be played and that select pieces of content can be chosen within each playlist, wherein the content is inherently mixed by a user selecting content within the multiple playlists.

12. Regarding **claim 44**, see the preceding argument with respect to claim 31. The combination teaches these features of the method.

13. Regarding **claim 46**, the further limitation of claim 44, see the preceding argument with respect to claim 33. Katinsky teaches this feature.

14. Regarding **claim 47**, the further limitation of claim 44, see the preceding argument with respect to claim 34. Katinsky teaches audio content.

15. Regarding **claim 48**, see the preceding argument with respect to claim 35. The combination teaches these features.

16. Regarding **claim 50**, the further limitation of claim 48, see the preceding argument with respect to claim 33. Katinsky teaches this feature.

17. Regarding **claim 51**, see the preceding argument with respect to claim 38. The combination teaches these features.

18. Regarding **claim 52**, the further limitation of claim 51, see the preceding argument with respect to claim 41. Katinsky teaches these features.

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19. Regarding **claim 54**, the further limitation of claim 51, see the preceding argument with respect to claim 41. Katinsky teaches these features.

20. Regarding **claim 56**, the further limitation of claim 51, see the preceding argument with respect to claim 43. Katinsky teaches these features.

21. Regarding **claim 57**, see the preceding argument with respect to claim 31. The combination teaches a computer readable medium with these features.

22. Regarding **claim 59**, see the preceding argument with respect to claim 35. The combination teaches a computer readable medium with these features.

23. Regarding **claim 61**, see the preceding argument with respect to claim 38. The combination teaches a computer readable medium with these features.

24. Regarding **claim 62**, the further limitation of claim 61, see the preceding argument with respect to claim 41. Katinsky teaches these features.

25. Regarding **claim 64**, the further limitation of claim 61, see the preceding argument with respect to claim 41. Katinsky teaches these features.

Response to Arguments

26. Applicant's arguments with respect to claims 31, 33-35, 37-39, 41, 43, 44, 46-48, 50-52, 54, 56, 57, 59, 61, 62, and 64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allison, USPN 5,668,788; and
Benyamin et al., USPN 6,721,489.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS